

REMARKS

By this amendment, claims 24-40 and 44-46 are pending, in which claims 41-43 are canceled without prejudice or disclaimer, claim 34 is amended, and new claims 44-46 are added. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure, for example, Abstract, FIGs. 1 and 4B, ¶¶ [0045]-[0047] of the corresponding US Pub. No. 20050201320. No new matter is introduced.

Telephonic Interview of June 2, 2011.

Applicants express appreciation for the Examiner courtesy in granting and conducting a telephonic interview on June 2, 2011. During the interview, the Examiners indicated that the present claim amendments would set the case in condition for allowance. It is with that understanding that the present Amendment is submitted.

Claim Objection.

The Examiner objected to claims 34 and 41, identified various perceived informalities, and courteously suggested claim dependency. In response, the informalities have been addressed consistent with the Examiner's suggestions, thereby overcoming the stated bases for the claim objections. Accordingly, withdrawal of the objection to claims 34 and 41 is solicited.

Claims 24, 31, and 38 were rejected under the first paragraph of 35 U.S.C. §112 for lack of adequate descriptive support.

In the statement of the rejection, the Examiner asserted that the phrase "direct subscription" is not described in the specification. This rejection is traversed.

Initially, literal support is not required by the statute. *Univ. of Rochester v. G.D. Searle & Co.*, 358 F.3d at 923; *Regents of the Univ. of Cal. v. Eli Lilly & Co.*, 119 F.3d 1559, 1566-67 (Fed.Cir.1997). An applicant need not utilize any particular form of disclosure. *Carnegie Mellon Univ. v. Hoffmann-La Roche Inc.*, 541 F.3d 1115, 1122 (Fed.Cir.2008) (quoting *In re Alton*, 76 F.3d 1168, 1172 (Fed.Cir.1996)). Further, a patent applicant has the right to narrow an originally disclosed invention. *In re Johnson*, 558 F.2d 1008 (C.C.P.A.).

In applying the above legal tenets to the exigencies of this case, Applicants submit that one having ordinary skill in the art would have recognized that Applicants had possession of the claimed invention at the time the Application was filed. Applicants respectfully submit that the specification clearly describes “indirect subscription” vs. “direct subscription.”

The indirect subscription is done via a network node that subscribes to a push service **on behalf of the terminal** such that the network node also receives and passes along push content to the terminal in accordance with the push service (Abstract, [0049]; FIG. 4A).

The indirect subscription is done after re-registering the terminal 36. In lieu of the SIP proxy 16 storing the push content in a buffer and forwarding the push content to the terminal 36, the terminal is configured such that after re-registering with the SIP proxy, the terminal subscribes to the push service to thereby receive the push content directly without using the proxy buffer ([0059], [0062], [0063]; FIG. 4B).

Applicants therefore submit that the imposed rejection of claims 24, 31, and 38 under the first paragraph of 35 U.S.C. §112 for lack of adequate descriptive support is not factually viable and, hence, solicits withdrawal thereof.

Claims 24, 26-28, 30, 31, 33-35, 37, 38, and 40-42 were rejected under 35 U.S.C. §103(a) for obviousness based on *Leung et al.* (US 20030165121, “*Leung*”) in view of *Zhao et al.* (US 20080153500, “*Zhao*”). Claims 25, 32, and 39 were rejected under 35 U.S.C. §103(a) for obviousness based on *Leung* in view of *Zhao* and *O’Rourke et al.* (US 7089328, “*O’Rourke*”). Claims 29, 36, and 43 were rejected under 35 U.S.C. §103(a) for obviousness based on *Leung* in view of *Zhao* and *Das et al.* (US 20010036834, “*Das*”).

Applicants respectfully traverse these rejections.

Independent claims 24, 31, and 38 recite, *inter alia*: “determining to generate a request for a subscription to a push service over a first network on behalf of a terminal in a second network to obtain push content; determining to **initiate establishment of a data session with the terminal via a network address translator or a firewall** in response to receiving the request; causing, at least in part, registration of a network address assigned to the terminal associated with the first network in accordance with establishment of the data session; causing, at least in part, transmission of the push content over the first network and via the network address translator or the firewall to the terminal; and causing, at least in part, transmission of subsequent push content through the network address translator or the firewall to the terminal based upon **direct subscription** to the push service by the terminal, the direct subscription occurring **after** de-registration and then re-registration of the terminal.” These features are neither disclosed nor suggested by *Leung* and *Zhao*, as acknowledged by the Examiner during the telephonic interview.

As admitted by the Examiner (p. 5, 2nd paragraph of the outstanding Office Action), *Leung* does not disclose “initiating establishment of a data session with the terminal in response to receiving the request.”

Zhao is relied upon by the Examiner to provide the missing teaching. However, as admitted by the Examiner (p. 4, 4th paragraph of the Office Action dated Sep. 20, 2010 of the co-pending patent application US App. No. 12/707,503), *Zhao* is silent with respect to a data session with the terminal via a **network address translator (NAT)** or **firewall (FW)**. Therefore, *Zhao*, at best, discloses “initiating establishment of a data session with the terminal in response to receiving the request,” but not “initiating establishment of a data session with the terminal **via a network address translator or a firewall** in response to receiving the request” recited in claim 24. Therefore, neither *Leung* nor *Zhao* discloses or suggests “determining to initiate establishment of a data session with the terminal **via a network address translator or a firewall** in response to receiving the request.”

In addition, the asserted motivation to combine “to **reduce** data traffic on the wireless network” does not provide the required articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. The whole purpose of *Leung* is to use a NAT to route packets of a “fake” IP network over a “real” IP network ([0019]), in order to reuse addresses within a local domain. On the other hand, *Zhao* does not concern NAT in any way. *Zhao* only sends device status information from a wireless data device to its push server so as to start and stop serving the wireless data device timely and to reduce data traffic on the CDMA2000 network ([0008]). Adding an NAT to *Zhao* will increase IP address domain size and **increase** (rather than **reduce**) data traffic, which defeats *Zhao*’s intended purpose as well as the Examiner’ asserted motivation to combine. Therefore, one skilled in art would not be motivated to combine *Leung* and *Zhao* in the manner suggested by the Examiner.

The patentability of claim 25 is separately argued. With respect to claim 25, *O’Rourke* avoids costly overhead, when connections are created/destroyed, by locating/de-allocating NAT

addresses of a large **pool/group** of terminals together (Abstract), rather than **per individual terminal** as in *Leung* (tracking when the individual terminal enters a new NAT zone). *O'Rourke's* mechanism of locating/de-allocating NAT addresses **in bulk** would render *Leung* inoperable. As such, one skilled in the art would not be motivated to combine *O'Rourke* into *Leung* in the manner suggested by the Examiner.

The additional reference *Das* does not cure the previously argued deficiencies in the attempted combination of *Leung*, *Zhao*, and *O'Rourke*.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicants do not agree that the requisite realistic motivation has been established, the inventions recited in the new claims would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicants, therefore, submit that claims 24-43 are patentable in view of the cited references.

New claims 44-46.

New independent claims 44-46 recite features similar to those in independent claim 24 and, hence, are free of the applied prior art for reasons advocated *supra* with respect to independent claim 24.

Moreover, claims 44-46 are patentable on their own merits. Claim 44 recites, “the direct subscription occurring only after de-registration of the terminal.” In *Leung*, the movement of the mobile station in and out of a NAT zone trigger registration and de-registration ([0028]). *Leung* only involves direction registration, either before or after roaming. Therefore, the direct subscription of *Leung* occurring all the time, i.e., “**before and after** de-registration of the

terminal,” rather than “**only after** de-registration of the terminal.” On the other hand, the claimed invention starts with “indirect registration” and then “direct registration.”

Claim 45 recites, “the direct subscription uses a short messaging service, enhanced messaging service, multimedia messaging service, or wireless application protocol-push message.” Lastly, claim 46 recites, “the direct subscription includes a globally unique identifier of the terminal.” The direct registration in *Leung* is triggered an **event** of the mobile station entering a new NAT zone, which does not use “a SMS, EMS, MMS, or WAP-push **message**” as recited in claim 45 or include “a globally unique **identifier** of the terminal” as recited in claim 46.

Therefore, the present application, as amended, overcomes the objection and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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